

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES SPANN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:05CV1470 CDP
)	
CORRECTIONAL MEDICAL)	
SERVICES, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion for service of process. Plaintiff seeks to compel the Office of the Missouri Attorney General to disclose the address of Angelia Bennett so that he may serve her with process. The Attorney General's office has refused to accept service on her behalf because she is a former state employee, although she was employed by the Missouri Department of Corrections during the time period at issue in plaintiff's complaint. In his motion, plaintiff contends that defendants have declined to provide the address to him, citing security and privacy concerns.

Plaintiff is incarcerated and has no way of ascertaining the address of the unserved defendant except by obtaining this information from defendants. While the form of the request may not be proper, the substance of the request is important.


Although the Court understands that defendants may be hesitant to provide sensitive information to a prisoner, to deny the information would have the effect of denying the claim. In the interests of justice, I will order the defendants (and the Attorney General's office) to either provide the information to plaintiff, or to file it under seal with the Court. If it is filed under seal, I will order the Clerk of the Court to prepare summonses and have them served.

Finally, plaintiff's request for entry of default and default judgment against defendants Bennett and Garrigus will be denied because they are not in default.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for service of process [#29] is granted only to the extent that defendants and the Office of the Missouri Attorney General shall disclose the address of defendant Angelia Bennett to plaintiff. If the Attorney General does not want to reveal this information to plaintiff, he may file this information with the Clerk, ex parte and under seal. Upon receipt of this information, either from plaintiff or directly from the Attorney General, the Clerk shall issue process or cause process to issue upon the complaint as to defendant Bennett.

IT IS FURTHER ORDERED that plaintiff's motion for entry of default and default judgment against defendants Bennett and Garrigus [#27] is denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 13th day of March, 2006.